

Provide Employees Access to Records and Analyses

WAC 296-802-400

Summary

YOUR RESPONSIBILITY:

To provide employees access to records and analyses

IMPORTANT:

- Employees or their designated representatives can use the collective bargaining process to gain access to records beyond what is required by this chapter.
- The requirements of this section apply to both current and former employees.

You must

Provide access to employee medical records, exposure records, and analyses

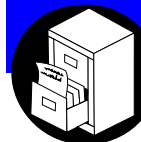
WAC 296-802-40005 400-2

Provide employee medical records

WAC 296-802-40010 400-4

Provide employee exposure records

WAC 296-802-40015 400-6



Provide Employees Access to Records and Analyses

WAC 296-802-400

Rule

WAC 296-802-40005

Provide access to employee medical records, exposure records, and analyses

You must

- Provide employees and their designated representatives access to requested records and analyses as follows:
 - In a reasonable time, place, and manner
 - Within 15 working days.
 - If there's a delay, inform the requesting party of the reason and the earliest date the record will be made available.



Exemption:

You don't have to provide analyses that are currently being worked on or haven't been reported to you.

You must

- Provide a copy of the record, when requested, to the employee or designated representative without cost. This may be done by one of the following methods:
 - Make a copy for the requestor
 - Make the record and a copier available
 - Loan the record to the employee or designated representative for a reasonable time, so a copy can be made.

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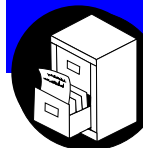
Rule

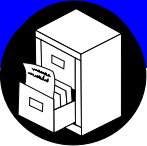
WAC 296-802-40005 (Continued)



Note:

- Access to employee medical records will be provided to designated representatives only when the employee provides specific written authorization. See WAC 296-802-40010.
- To locate or identify the records being requested, you may request, from employees or designated representatives, only known and necessary information. For example, you may request dates and location of where the employee worked during the time period in question
- You aren't required to perform an analysis of medical or exposure records at the request of an employee or designated representative
- When there is an original x-ray you may restrict access to an on-site examination or make other arrangements for a temporary loan
- When a record has been provided without cost to an employee or designated representative, and they request additional copies, you may charge a reasonable, nondiscriminatory administrative cost. For example, you may charge search and copying expenses but not overhead expenses.
 - A reasonable fee for copying, as defined in chapter 70.02 RCW, shouldn't exceed 65 cents per page for the first 30 pages and 15 cents per page for all additional pages. In addition, a clerical fee for searching and handling may be charged not to exceed 15 dollars.





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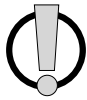
Rule

WAC 296-802-40010

Provide employee medical records

You must

- Make sure employees have access, upon request, to their own medical records.



Note:

- A physician, nurse, or other responsible health care professional who maintains employee medical records may delete from requested medical records the identity of individuals who provided confidential information regarding an employee's health status.
- If a physician represents you and believes that providing an employee access to their specific diagnosis of a terminal illness or psychiatric condition could harm the employee, they may request that the record be released only to a designated representative having specific written authorization
- The physician representing you may recommend that the employee or designated representative do one of the following:
 - Consult with the physician to review and discuss requested records
 - Accept a summary of facts and opinions instead of requested records
 - Accept the release of requested records only to another physician or designated representative.

-Continued-

Provide Employees Access to Records and Analyses

WAC 296-802-400

Rule

WAC 296-802-40010 (Continued)

You must

- Make sure that individual employees aren't identified in any portion of analyses that report the contents of employee medical records.
 - Identifying information includes both direct identifiers such as name, address, Social Security number, and payroll number, and other information that could reasonably be used in the circumstances to identify individual employees such as exact age, height, or weight.



Note:

If it isn't feasible to remove personal identifying information from a document, you don't have to provide the portions where personal identifiers can't be moved.

You must

- Provide designated representatives access to employee medical records when the employee provides specific written authorization.
 - If the written authorization doesn't contain an expiration date, it expires 90 days after it's signed.
 - Release only medical information that exists on the date of the written employee consent, unless the consent specifically states that future information may be released.



Note:

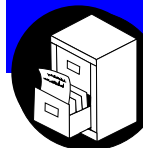
An employee may revoke the specific written authorization in writing at any time.

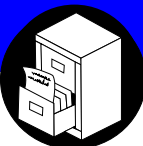


Helpful tool:

Release of medical information

You can find a sample written authorization for release of medical information in the Resources section of this chapter.





Provide Employees Access to Records and Analyses

WAC 296-802-400

Rule

WAC 296-802-40015

Provide employee exposure records

You must

- Provide requested exposure records that show the type and amount of toxic substances or harmful physical agents to which the employee is or has been exposed, for an employee's current or transfer work assignment.
 - In the absence of records specific to the employee, exposure records of other employees with the same job duties or related working conditions will be used to the extent necessary to respond to the request.
- Provide a designated representative, who doesn't have specific employee consent, access to employee exposure records only when a reasonable written request is made that includes the following:
 - The records requested
 - The occupational health need for accessing these records.



Note:

Trade secret information may be withheld from exposure records. See chapter 296-816 WAC, Protecting Trade Secrets, for more information.